



16488

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashley J. Birkett ) PATENT  
Serial No.: 09/930,915 )  
Filed: August 15, 2001 ) Attorney Docket  
For: IMMUNOGENIC HBc CHIMER ) ) ICC-102.2  
PARTICLES HAVING ENHANCED ) ) (4564/81175)  
STABILITY ) )  
Examiner: Donna C. Wortman ) Group Art No.  
 ) 1648

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, Apovia Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent that issues from any of U.S. Application Serial No. 09/931,325, filed August 15, 2001, whose assignment to Apovia Inc., is recorded at Reel 012433 and Frame 0845; of U.S. Application Serial No. 10/080299, filed February 21, 2002, whose assignment to Apovia Inc., is recorded at Reel 012911 and Frame 0006; or of U.S. Application Serial No. 10/082014, filed February 21, 2002, a copy of whose assignment to Apovia Inc.

from the inventor and Recordation Cover Sheet that were filed separately on April 15, 2004 are enclosed with this paper.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, and a patent that issued from any or all of U.S. Application Serial No. 09/931,325; U.S. Application Serial No. 10/080299; or U.S. Application Serial No. 10/082014 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of another patent that issues from a before-enumerated application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 C.F.R. 1.20(d) is enclosed.

Respectfully submitted,

By   
Edward P. Gamson, Reg. No. 29,381

Enclosures

Terminal Disclaimer Fee

Copy of Assignment document and Recordation Cover Sheet

Reply and Amendment

Exhibit I

WELSH & KATZ, LTD.  
120 South Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606  
Phone (312) 655-1500  
Fax No. (312) 655-1501

CERTIFICATE OF MAILING

I hereby certify that this Terminal Disclaimer and its fee, along with the Reply and Amendment and its stated enclosures are being deposited with the United States Postal Service as First Class Mail, postage prepaid, on April 16, 2004, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Edward P. Gamson